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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Drexel Heights Fire District	)	
	)	File No. EB-09-SD-0015
Licensee of Radio Station WRY440	)	
	)	
Tucson, Arizona	)	
	)	
	)	NOV No.: V200932940001
	)	

**NOTICE OF VIOLATION**

**Released: April 16, 2009**

By the District Director, San Diego Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Drexel Heights Fire District, licensee of Public Safety radio service station WRY440 in Tucson, Arizona.

2. On March 25, 2009, agents of the Enforcement Bureau's San Diego Office, responding to an interference complaint, monitored radio station WRY440 located at 6950 S Beehive Ave., Tucson, Arizona, and observed the following violation:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission..." At the time of the investigation, the transmitter authorized under Public Safety radio service station WRY440 was found to be operating on frequency 154.355 MHz, which is not authorized under WRY440 or any other authorization issued to Drexel Heights Fire District.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Drexel Heights Fire District, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 403.

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in itself and signed by a principal or officer of the Drexel Heights Fire District. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified atop this notice, and mailed to the following address:

Federal Communications Commission  
San Diego Office  
4542 Ruffner St., Suite 370  
San Diego, CA 92111

4. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to Drexel Heights Fire District at its address of record.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

William R. Zears Jr.  
District Director  
San Diego District Office  
Western Region  
Enforcement Bureau

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*